

IN RE: PETITIONS FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
E/S Silver Lake Dr. 911 ft.
N of c/l Silver Spring Road
8666 Silver Lake Drive
11th Election District
5th Councilmanic District
The American Legion, Overlea
Perry Hall Post #130, Inc.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-297-SPHXA
*

ORDER OF DISMISSAL

The Petitioner herein requested a Petition for Special Hearing to amend the previously granted special exception in case No. 72-235-X of the Baltimore County Zoning Regulations (BCZR); a Petition for Special Exception from Section 1B01.1.c.20 of the BCZR to permit a wireless transmitting and receiving facility; and a Petition for Variance from Section 502.7.c.2 of the BCZR to permit a 120 ft. setback for a 144.5' high wireless transmitting and receiving facility, in lieu of the required 289 ft. setback, and a variance from Section 502.7.c.3 to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot; and,

WHEREAS, attorney Christine K. McSherry of Whiteford, Taylor and Preston, who represents the Petitioner, requested a withdrawal of the Petitions for Special Hearing, Special Exception and Variance on behalf of her client by letter dated March 23, 1995.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County this 29th day of March, 1995 that the Petition for Special Hearing to amend the previously granted special exception in case No. 72-235-X of the Baltimore County Zoning Regulations (BCZR), be and is hereby DISMISSED; and,

IT IS FURTHER ORDERED that a Petition for Special Exception from Section 1B01.1.c.20 of the BCZR to permit a wireless transmitting and receiving facility, be and is hereby DISMISSED; and,

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

IT IS FURTHER ORDERED that a Petition for Variance from Section 502.7.c.2 of the BCZR to permit a 120 ft. setback for a 144.5' high wireless transmitting and receiving facility, in lieu of the required 289 ft. setback, and a variance from Section 502.7.c.3 to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot, be and is hereby DISMISSED without prejudice, upon payment of open costs by the Petitioner.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 27, 1995

Christine K. McSherry, Esquire
Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

RE: Case No. 95-297-SPHXA
Petitions for Special Hearing, Special Exception & Variance
The American Legion, Overlea-Perry Hall Post No. 130, Inc.,
Petitioner

Dear Ms. McSherry:

Attached hereto please find an Order of Dismissal regarding the above captioned matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

FILED



Petition for Special Hearing

95-297-SPHXA

to the Zoning Commissioner of Baltimore County

for the property located at

8666 Silver Lake Drive
Perry Hall, MD 21128

which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the Special Exception granted in Case No. 72-235X.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq. for

(Type or Print Name) American PCS, L.P.

Signature

One Democracy Center
6901 Rockledge Dr.

Address

Bethesda MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

(Type or Print Name)

Signature

Whiteford, Taylor & Preston

210 W. Pennsylvania Ave.

Address

Towson, MD 21204

Phone No.

832-2000

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): The American Legion, Dept. of Maryland,
Overlea-Perry Hall Post No. 120, Inc.

(Type or Print Name)

BY: Commander

Signature

David A. Schaaf

(Type or Print Name)

Signature

8666 Silver Lake Drive

Address

931-9700

Phone No.

Perry Hall, MD 21128

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight, Esq.

Name

210 W. Pennsylvania Ave.

832-2000

Address

Towson, MD

21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: MDIC

DATE

2/22/95



2000/02/22

Zoning Administration

Seal of Baltimore County, Maryland

#293



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

8660 Silver Lake Drive
Perry Hall, MD 21128

which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A wireless transmitting and receiving facility pursuant to section 1 B 01.C. 20.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Owner/Lessee:

Margaret C. Ruggieri, Esq. for
(Type or Print Name) American PCS L.P.

Signature

One Democracy Center
6901 Rockledge Dr.

Address

Bethesda MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

(Type or Print Name)

Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Ave. 832-2000

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): The American Legion, Dept. of Maryland,

Overlea-Perry Hall Post No. 130, Inc.

(Type or Print Name) BY: Commander

Signature

David A. Schaaf

(Type or Print Name)

Signature

8666 Silver Lake Dr.

931-9000

Address

Phone No.

Baltimore, MD 21128

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight, Esq

Name

210 W. Pennsylvania Ave.

832-2000

Address

Towson, MD

21204

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

2/22/95

MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

8666 Silver Lake Drive
Perry Hall, MD 21128

which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attachment

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

~~CONTRACTOR/LESSEE:~~

Margaret C. Ruggieri, Esq. for
(Type or Print Name) American PCS, L.P.
Signature *[Signature]*
One Democracy Center
6901 Rockledge Dr.
Address
Bethesda MD 20817
City State Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.
(Type or Print Name)
Signature *[Signature]*
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave.
Address
Towson, MD 21204 Phone No. 832-2000
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): The American Legion, Dept. of Maryland,
Overlea-Perry Hall Post No. 130, Inc.

(Type or Print Name) BY: Commander
Signature *[Signature]*
David A. Schaaf
(Type or Print Name)

Signature
8666 Silver Lake Drive 931-9000
Address Phone No.
Baltimore, MD 21128
City State Zipcode
Name, Address and phone number or representative to be contacted.

G. Scott Barhight, Esq.
Name
210 W. Pennsylvania Ave. 832-2000
Address Phone No.
Towson, MD 21204
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____
REVIEWED BY: *[Signature]* DATE 2/22/95



Printed with Soybean Ink
on Recycled Paper



Zoning Requests

Project No. 94161.A

95-297-SPHXA

REQUESTED ZONING ACTIONS:

1. Special Hearing to amend previously granted special exception in Case No. 72-235-X.
2. Special Exception pursuant to BCZR Section 1B01.1.c.20 to permit a wireless transmitting and receiving facility.
3. Variance from BCZR Section 502.7.c.2 to permit a 120' setback for a 144.5 high wireless transmitting and receiving facility in lieu of the required 289' setback.
4. Variance from BCZR Section 502.7.c.3. to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot.

Description

To Accompany Petition for
Special Exception, Variance,
and Special Hearing

4.2 Acre Parcel

Overlea Post, American Legion, Inc. Property

at the end of Silver Lake Drive

Eleventh Election District, Baltimore County, Maryland

DMW

Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Silver Spring Road with the centerline of Silver Lake Drive (1) Northwesternerly along the centerline of Silver Lake Drive 911 feet, more or less, and thence at right angle to said drive (2) Northeasterly 607 feet, more or less, to the point of beginning, said point of beginning having coordinate values North 32048 feet, more or less, and West 47909 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said beginning point and running the six following courses and distances, viz: (1) North 25 degrees 53 minutes 14 seconds West 218.53 feet, thence (2) North 47 degrees 38 minutes 16 seconds East 150.00 feet, thence (3) North 38 degrees 39 minutes 24 seconds East 450.62 feet, thence (4) North 40 degrees 53 minutes 46 seconds East 1.76 feet, thence (5) South 18 degrees 54 minutes 34 seconds East 518.28 feet, and thence (6) South 70 degrees 59 minutes 13 seconds

293

MICROFILMED

95-297-5PHXA

West 492.91 feet to the point of beginning; containing 4.2 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 14, 1995

Project No. 94161.A (L94161A)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-197-SP HXII

District: 11th Date of Posting: 3/4/95
Posted for: Special Hearing - Special Excavation & Utilities
Petitioner: Ann Legion Post, #130, Inc.
Location of property: 8666 Silver Lake Dr, E/S
Location of Signs: Facing road way on property being zoned
Remarks: _____
Posted by: M. [Signature] Date of return: 3/10/95
Number of Signs: 1



MICROFILMED

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

95-297-SPHXA (Item 293)
8668 Silver Lake Drive
E/S Silver Lake Drive, 911'
N of c/l Silver Spring Road
11th Election District
5th Councilmanic
Legal Owner(s):

The American Legion
Department of Maryland,
C/O Mrs. Barry Hall Post
No. 1301
Lessor:

American RCB, L.P.

HEARING MONDAY

MARCH 27, 1995, 9:00
a.m. in Rm. 118, Old
Courthouse

Special Hearing: to approve an amendment to the special exception granted in case #72-235-X. **Special Exception:** for a wireless transmitting and receiving facility. **Variance:** to permit a 120 foot setback for a 144.5 high wireless transmitting and receiving facility in lieu of the required 289-foot setback; and to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

3/113 March 9.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

3/9, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/9, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-297-SPHXA

Account: R-001-6150

Number

Taken In By: MCK

Item : 293

Date 2/22/95

American PCS - 8666 Silver Lake Drive

070 - Combination (SPX, SPH, CV) - \$ 650.00

080 - 3 signs (\$35.00 each) - \$ 105.00

Total - \$ 755.00

MICROFILMED

03A03#0431MICHRC

\$755.00

BA 0011#36AM02-22-95

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 293

Petitioner: American PCS, L.P.

Location: 8666 Silver Lake Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DMW

ADDRESS: 200 East Pennsylvania Avenue

Towson, MD 21286

PHONE NUMBER: (410) 296-3333

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
March 9, 1995 Issue - Jeffersonian

Please forward billing to:

Daft McCune Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21286

ATTN: BRENDA PRICE
410-296-3333

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-297-SPHXA (Item 293)

8666 Silver Lake Drive

E/S Silver Lake Drive, 911' N of c/l Silver Spring Road

11th Election District - 5th Councilmanic

Legal Owner(s): The American Legion, Department of Maryland, Overleas-Perry Hall Post No. 130, Inc.

Lessee: American PCS, L.P.

HEARING: MONDAY, MARCH 27, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the special exception granted in case #72-235-X.

Special Exception for a wireless transmitting and receiving facility.

Variance to permit a 120-foot setback for a 144.5 high wireless transmitting and receiving facility in lieu of the required 289-foot setback; and to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 2, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-297-SPHXA (Item 293)

8666 Silver Lake Drive

E/S Silver Lake Drive, 911' N of c/l Silver Spring Road

11th Election District - 5th Councilmanic

Legal Owner(s): The American Legion, Department of Maryland, Overlea-Perry Hall Post No. 130, Inc.

Lessee: American PCS, L.P.

HEARING: MONDAY, MARCH 27, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the special exception granted in case #72-235-X.

Special Exception for a wireless transmitting and receiving facility.

Variance to permit a 120-foot setback for a 144.5 high wireless transmitting and receiving facility in lieu of the required 289-foot setback; and to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: The American Legion
American PCS, L.P., c/o Margaret C. Ruggieri, Esq.
G. Scott Barhight, Esq.
Daft McCune Walker, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 20, 1995

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 293
Case No.: 95-297-SPHXA
Petitioner: American Legion, Post

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 7, 1995

SUBJECT: 8666 Silver Lake Dr.

INFORMATION:

Item Number: 293

Petitioner: The American Legion

Property Size: 4.20 acres

Zoning: DR-5.5

Requested Action: Special Hearing, Special Exception and Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Hearing To approve an amendment to the Special Exception granted in Case No. 72-235-X. Special Exception for a wireless transmitting and receiving facility. Variance to permit a 120' setback for a 144.5' high wireless transmitting and receiving facility in lieu of the required 289' setback; and to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot.

Based upon a review of the information provided, the staff offers the following comment:

While no justification of hardship or practical difficulty is offered on the applicant's Petition, it appears to staff that the need for a Variance is self created. Therefore, the Petitioner will have to prove that there is, in fact, a hardship or practical difficulty. The staff offers no other comments regarding the Special Hearing or Special Exception.

Prepared by: Jeff W. Long

Division Chief: Carol Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: March 10, 1995
Zoning Administration and Development Management

FROM: *DWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 13, 1995
Item No. 293

The Developers Engineering Section has reviewed the subject zoning item. A landscape plan must be approved prior to the release of permits.

RWB:sw

MICROFILMED



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-8-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +293 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 3/8/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 3/6/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 291
293 ✓
295

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 291, 292, 293 AND 294.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR SPECIAL EXCEPTION *
PETITION FOR VARIANCE * ZONING COMMISSIONER
8666 Silver Lake Drive, E/S Silver Lake *
Drive, 911' N of c/l Silver Spring Road * OF BALTIMORE COUNTY
11th Election Dist., 5th Councilmanic *
The American Legion, Department of Md., *
Overlea-Perry Hall Post No. 130, Inc. * CASE NO. 95-297-SPHXA
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, attorney for Petitioners.

RECEIVED
MAR 16 1995

ZADM

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

3/27/95
8
TO BS

1263-95

**WHITEFORD, TAYLOR & PRESTON
L.L.P.**

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515

410 832-2000
FAX 410 832-2015

888 17TH STREET, NW
WASHINGTON, D C 20006-3939
TELEPHONE 202 659-6800
FAX 202 331-0573

CHRISTINE K. MCSHERRY
DIRECT NUMBER
410 832-2027

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

March 23, 1995

Via Hand Delivery

Arnold Jablon, Director
Department of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
MAR 23 1995
ZADM

**Re: Case No. 95-297-SPHXA (Item 293)
8666 Silverlake Drive,
11th Election District - 5th Councilmanic
Legal Owners: The American Legion, Dept. of Maryland,
Overlea-Perry Hall Post No. 130, Inc.**

Dear Mr. Jablon:

I am writing to request that the Petition for Special Exception, Special Hearing and Variance submitted on the above-referenced site be withdrawn. The Petitioners, the American Legion and American PCS, L.P., do not wish to pursue these zoning approvals for the above-referenced site. The site is currently scheduled for public hearing on Monday, March 27, 1995 at 9:00 a.m. We will be happy to restate our request to withdraw this Petition on the record at that time.

Thank you for your attention to this matter.

Sincerely,

Christine K. McSherry

Christine K. McSherry

CKM:slr

cc: W. Carl Richards, Jr., Zoning Supervisor
Peter M. Zimmerman, People's Counsel
Margaret C. Ruggieri, Esquire

43807

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
E/S Rossville Blvd. & N/S
Franklin Sq. Dr. (Essex Community* ZONING COMMISSIONER
College) 7201 Rossville Blvd.
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District
Essex Community College, et al * Case No. 95-298-X
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception to request approval of a wireless transmitting and receiving facility in a D.R.5.5 zone, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (BCZR). The Petition is filed by the Essex Community College through its Board of Trustees, property owner, and Margaret C. Ruggieri, Esquire on behalf of American PCS, L.P., (hereinafter known as "APC") Lessee. APC is a cellular communications company which, through the Petition, seeks approval to install two 8 ft. high, 1 inch wide antennas on the top of an existing building on the campus of Essex Community College. The antennas are to be installed to facilitate APC's cellular communication network in the southeast area of Baltimore County, serving I-95 and the Essex area.

Appearing at the public hearing held for this case was Margaret C. Ruggieri, Esquire on behalf of APC. A number of other expert witnesses appeared and were prepared to present testimony on behalf of the Petition. The Petitioners, including both the College and APC, was represented by Christine K. McSherry, Esquire. There were no Protestants or other interested persons present.

In support of the request, the Petitioners submitted a site plan (Petitioners' Exhibit No. 1.) which depicts the subject property and its environs. As noted above, the site which is the subject of this Petition is

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

the Essex Community College campus located near Rossville Boulevard and I-95 in Essex. The campus is improved with a number of structures, including the subject Science/Applied Health Building which is 8 stories (approximately 150 ft.) in height. Sitting atop the building is an equipment/HVAC shed which is approximately 11 ft. tall.

The Petitioners propose installing two 8 ft. high, 1 inch wide whip antennas to the top of the shed. Also installed will be 2 equipment cabinets to serve the antennas. The Petitioners have withdrawn their request to install a link dish in that same is not needed.

In view of the lack of opposition to the Petition, Ms. McSherry proffered the testimony of the witnesses. She introduced APC as a company new to the cellular communication field in the Baltimore County area. In addition to the well known cellular telephone service, other means of personal communication are possible through APC's system (including fax transmissions, for example). APC is duly licensed and approved by the FCC to service the Baltimore Metropolitan area. The company is now in the midst of installing the necessary infrastructure. As is well known to this Zoning Commissioner, through similar cases, the required infrastructure includes the installation of a series of antennas so as to provide a cell grid network. That is, the County is divided into a series of interlocking grids and antennas are installed so as to provide link service throughout the network. As a mobile user passes from cell to cell, his transmission is uninterrupted as service is "handed off" to the next cell station.

For the Essex area, the Petitioners have selected the subject building on the campus of the Essex Community College. This building provides the necessary height and is located in the desired geographic area.

Ms. McSherry also proffered the testimony of the experts present relating to the potential effects of the use. This proffered testimony was that

ORDER FOR FILING
Date 3/30/95
By [Signature]

the level of electronic emissions generated by the antenna are more than 200 times below the safety standards imposed by the FCC. The proffered cumulative testimony of these experts was that there would be no adverse impact in any manner upon the surrounding locale. In this regard, an environmental statement (Petitioners' Exhibit No. 3) was submitted as required by the BCZR. This impact statement opines that the proposed use at this locale will not cause any detrimental effects.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Special Exception. Although cases for this type of use are often highly contested, there was no opposition here and the record before me is uncontradicted in that the proposed use satisfies the standards set forth in Section 502 of the BCZR, as well as the particular requirements governing wireless transmitting facilities contained in Section 426 of the BCZR. Thus, the Petition for Special Exception shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

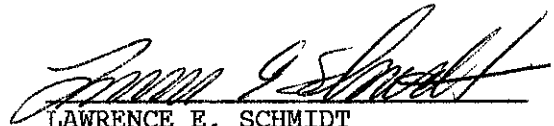
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30th day of March, 1995 that, pursuant to the Petition for Special Exception, approval to allow a wireless transmitting and receiving facility in a D.R.5.5 zone, pursuant to Section 1B01.1.C.20 of the Baltimore County Zoning Regulations (BCZR), be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for

ORDER RECEIVED FOR FILING
Dec 3/30/95
By M. G. Goff

returning, said property to its original condition.

LES:mmm



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

Date

3/30/90

By



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 29, 1995

Christine K. McSherry, Esquire
Whiteford, Taylor and Preston
500 Court Towers
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

RE: Case No. 95-298-X
Petition for Special Exception
Essex Community College, et al, Petitioners

Dear Ms. McSherry:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Margaret C. Ruggieri, Esquire
cc: Dr. Philip M. Ringle, Dean of Planning and Development
Essex Community College/Board of Trustees

MICROFILMED



#294



Petition for Special Exception

95-298-X

to the Zoning Commissioner of Baltimore County

for the property located at Science/Applied Health Bldg.
Essex Community College, 7201 Rossville Bldg,
Baltimore, MD 21237
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A wireless transmitting and receiving facility pursuant to section 1 B01.1 C 20.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

Margaret C. Ruggieri Esq. for
(Type or Print Name) American PCS, L.P.
M. Ruggieri
Signature
One Democracy Center
6901 Rockledge Dr.
Address
Bethesda, MD 20817
City State Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.
(Type or Print Name)
G. Scott Barhight
Signature
c/o Whiteford, Taylor & Preston
210 W. Pennsylvania Ave. 832-2000
Address Phone No.
Towson, MD 21204
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Essex Community College/Board of Trustees
(Type or Print Name) By: Dr. Philip M. Ringle
Dean of Planning & Development
Signature
(Type or Print Name)
Dr. Philip M. Ringle
Signature
7201 Rossville Road
Baltimore, MD 21237 780-6333
Address Phone No.

City State Zipcode
Name, Address and phone number of representative to be contacted.
G. Scott Barhight, Esq.
Name
210 W. Pennsylvania Ave. 832-2000
Address Towson, MD 21204 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: *WJK* DATE 2/22/95



#294

95-298-X

Description

To Accompany Petition For Special Exception

136.3 Acre Parcel

Essex Community College

7201 Rossville Boulevard

Fourteenth Election District

Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the point formed by the intersection of the east side of Rossville Boulevard with the north side of Franklin Square Drive, said point being at the end of the two following course and distances measured from the point formed by the intersection of the centerline of Franklin Square Drive with the centerline of Rossville Boulevard (1) Southeasterly along the centerline of Franklin Square Drive 125 feet, more or less, and thence Northeasterly 35 feet, more or less, to the point of beginning, said point of beginning having coordinate values north 19342 feet, more or less, and west 36983 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said point of beginning and running and binding on the right of way line of Rossville Boulevard the following seven courses and distances, viz; (1) North 35 degrees 03 minutes 23 seconds West 70.61 feet, thence (2) North 10 degrees 05 minutes 45 seconds East 448.73 feet, thence (3) Northeasterly by curve to the left having a radius of 1969.86 feet for a distance of 564.46 feet (the arc of said curve being subtended by a chord bearing North 10 degrees 53 minutes 13 seconds East 562.53 feet), thence (4) North 35 degrees 00 minutes 31 seconds East 75.04 feet, thence (5) North 14 degrees 10 minutes 02 seconds West 100.00 feet, thence (6) North 49 degrees 05 minutes 22 seconds West

95-298-X

68.78 feet, and thence (7) Northwesterly by curve to the left having a radius of 1969.86 feet for a distance of 365.69 feet (the arc of said curve being subtended by a chord bearing North 17degrees 38 minutes 26 seconds West 365.16 feet), thence leaving the said right-of-way and running the four following courses and distances, viz: (8) North 00 degrees 25 minutes 13 seconds East 130.35 feet, thence (9) South 82 degrees 49 minutes 03 seconds West 16.91 feet, thence (10) North 00 degrees 05 minutes 43 seconds East 244.53 feet, and thence (11) North 56 degrees 04 minutes 37 seconds East 315.40 feet, thence running and binding on the southeast right-of-way line of Interstate 95 the three following courses and distances, viz: (12) North 79 degrees 48 minutes 39 seconds West 130.00 feet, thence (13) North 55 degrees 43 minutes 03 seconds East 1500 feet, more or less, and thence (14) Northeasterly by curve to the left having a radius of 5879.58 feet for a distance of 390.32 feet (the arc of said curve being subtended by a chord bearing North 55 degrees 00 minutes 50 seconds East 390.25 feet), thence leaving said right-of-way line and running and binding on the southwest side of King Avenue the two following courses and distances, viz: (15) South 74 degrees 21 minutes 24 seconds East 234.4 feet, and thence (16) North 71 degrees 43 minutes 35 seconds East 12.46 feet, thence leaving the southwest side of King Avenue and running the following seven courses and distances, viz: (17) South 17 degrees 48 minutes 13 seconds West 170.9 feet, thence (18) South 17 degrees 46 minutes 43 seconds West 97.92 feet, thence (19) South 62 degrees 41 minutes 15 seconds East 1705.22 feet, thence (20) South 43 degrees 45 minutes 46 seconds West 1600.61 feet, thence (21) South 59 degrees 15 minutes 15 seconds West 659.34 feet, thence (22) South 82 degrees 12 minutes 35 seconds West 855.09 feet, and thence (23) South 07 degrees 47 minutes 25 seconds East 507.26 feet to a point on the north side of Franklin Square Drive, thence running and binding thereon the following four courses

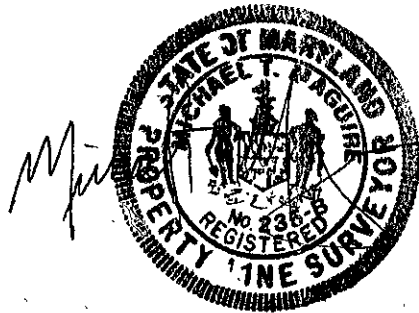
95-298-X

and distances, viz: (24) Southwesterly by a curve to the left having a radius of 860.00 feet for a distance of 284.03 feet (the arc of said curve being subtended by a chord bearing South 88 degrees 07 minutes 24 seconds West 282.74 feet), thence (25) South 78 degrees 39 minutes 43 seconds West 220.03 feet, thence (26) Northwesterly by curve to the right having a radius of 635.00 feet for a distance of 236.07 (the arc of said curve being subtended by a chord bearing South 89 degrees 18 minutes 43 seconds West 234.71 feet), and thence (27) North 80 degrees 02 minutes 17 seconds West 73.68 feet, to the point of beginning; containing 136.3 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 21, 1995

Project No. 94161.18



MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-298-X

District: 14th

Date of Posting: 3/4/95

Posted for: Special Exception

Petitioner: Essex Community College

Location of property: 7201 Rossville Blvd, E/S-

Location of Signs: Facing roadway, on property being worked

Remarks: _____

Posted by: [Signature]
Signature

Date of return: 3/10/95

Number of Signs: 1



MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
95-298-X (Item 294)
7201 Rossville Boulevard
Essex Community College
Science/Applied Health
Building

8/8 Rossville Blvd. and
N/S Franklin Square Dr.

14th Election District

6th Councilmanic

Legal Owner(s):

Essex Community College

Lessee:

American PCS, L.P.

HEARING: MONDAY,

MARCH 27, 1995 at 9:00

a.m. in Rm. 118, Old

Courthouse.

Special Exception: for a
wireless transmitting and re-
ceiving facility.

LAWRENCE E. SCHMIDT,

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are Hand-
icapped accessible; for special
accommodations Please Call
887-8353.

(2) For Informa-
tion concerning the File and/or
Hearing, Please Call 887-3391.

3/114 March 9.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

3/9, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 3/9, 1995

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

Published

ALCOHOL



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-298-X

Account: R-001-6150

Number

Item: 294

Taken In: *MDK*
By:

Date 2/22/95

American PCS - 7201 Roswell Blvd

050 - Special Exception - \$ 300.00

080 - 1 sign - \$ 35.00

Total - \$ 335.00

RECEIVED

03A03#0432MICHR

\$335.00

BA 0011:36AM02-22-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 294

Petitioner: American PCS, L.P.

Location: 7201 Rossville Blvd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DMW

ADDRESS: 200 East Pennsylvania Ave

Towson, MD 21286

PHONE NUMBER: (410) 296-3333

TO: PUTUXENT PUBLISHING COMPANY
March 9, 1995 Issue - Jeffersonian

Please forward billing to:

Daft McCune Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21286

ATTN: BRENDA PRICE

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-298-X (Item 294)
7201 Rossville Boulevard -- Essex Community College, Science/Applied Health Building
E/S Rossville Boulevard and N/S Franklin Square Drive
14th Election District - 6th Councilmanic
Legal Owner(s): Essex Community College
Lessee: American PCS, L.P.
HEARING: MONDAY, MARCH 27, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving facility.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 2, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-298-X (Item 294)

7201 Rossville Boulevard -- Essex Community College, Science/Applied Health Building
E/S Rossville Boulevard and N/S Franklin Square Drive
14th Election District - 6th Councilmanic

Legal Owner(s): Essex Community College

Lessee: American PCS, L.P.

HEARING: MONDAY, MARCH 27, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving facility.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Essex Community College
American PCS, L.P, c/o Margaret C. Ruggieri, Esq.
G. Scott Barhight, Esq.
Daft McCune Walker, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

11/15/95 11:00 AM



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 20, 1995

G. Scott Barhight, Esquire
c/o Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 294
Case No.: 95-298-X
Petitioner: Essex Comm. College

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

March 9, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #294 - Essex Community College
7201 Rossville Blvd.
Zoning Advisory Committee Meeting of March 6, 1995

Air Quality

JLP:SR:sp

ESSEX/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 7, 1995

SUBJECT: Essex Community College

INFORMATION:

Item Number: 294

Petitioner: Essex Community College

Property Size: _____

Zoning: DR-5.5

Requested Action: Special Exception

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Exception to permit a wireless transmitting and receiving facility.

Based upon a review of the information provided, the staff does not oppose the applicant's request.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

PK/JL:lw

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: March 10, 1995
 Zoning Administration and Development Management

FROM *RWB* Robert W. Bowling, P.E., Chief
 Developers Engineering Section

RE: Zoning Advisory Committee Meeting
 for March 13, 1995
 Items 290, 291, 292, and 294

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 291, 292, 293 AND 294.

RECEIVED

MAR 9 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

3-8-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: + 294 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: February 22, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, ZADM

SUBJECT: Item #294
7201 Rossville Boulevard

The applicant applied for a special exception for a wireless transmitting and receiving structure. The property description follows the entire tract, whereas the area for special exception should be reduced. The special exception, if granted, should not include the entire property.

MJK:scj

APPROVED

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
7201 Rossville Boulevard (Essex Community * ZONING COMMISSIONER
College, Science/Applied Health Bldg.), * OF BALTIMORE COUNTY
E/S Rossville Boulevard and N/S Franklin *
Square Drive, 14th Election District, * CASE NO. 95-298-X
6th Councilmanic *
Essex Community College *
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, attorney for Petitioners.

RECEIVED
MAR 16 1995
ZADM

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Chutro Masbury-

Margaret Ruggeri-

Withdrawn -

APC

95 298 - SPH

Amend Etc plan

Link Park not needed

2 8' foot high - 1" wide
whip antenna

2 equipment cabinets =

APC -

new communications -
personal communication procedures

not just telephones, but data

- pioneer preference

comply w/ FCC -

APC - system not yet
operational

Timetable end of 1995

149. ~~34~~ 34

This is a cell system -

This covers I-95 - cell

unique structure

§ 502.1

emissions level - 200x
below safety stds.

no noise -

no ~~interference~~ interference w/

no people traffics

necessary to cover -
required by FCC -

I-95 North -

~~all~~ compliance w/

95-296-A

No Lent dishes -

6 panel antennas -

2 equipment cabinets -

MICROFILMED

6 Powell -

no

143 feet -

Greater Parkville covered -

\$426 - 200 feet set back
practical ~~to~~ difficulty -

Lawrence is 95 feet -

office bldg - office/retail

APC has complied

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

MICHAEL MAGUIRE

200 E. PENNSYLVANIA AVE.

MARK TAYLOR

5203 LEESBURG Pk, FACS Church, VA

ROBERT JACK

200 E. PENNSYLVANIA AVE.

MO KHAN - AIRTEL COMMUNICATIONS

4041 Powder Mill Rd, Colington, MD

Deborah Meaney

4041 Powder Mill Rd, Colington Md

Greg Sacco

6901 Rockledge Dr. Bethesda, MD

STACY MUDRO

6901 Rockledge Dr. Bethesda, MD

Perry AUSBAUM

6901 Rockledge Dr. Bethesda, MD



**American Personal
Communications**

AMERICAN PERSONAL COMMUNICATIONS (APC)
HEARING BEFORE THE BALTIMORE COUNTY ZONING COMMISSIONER
March 27, 1995

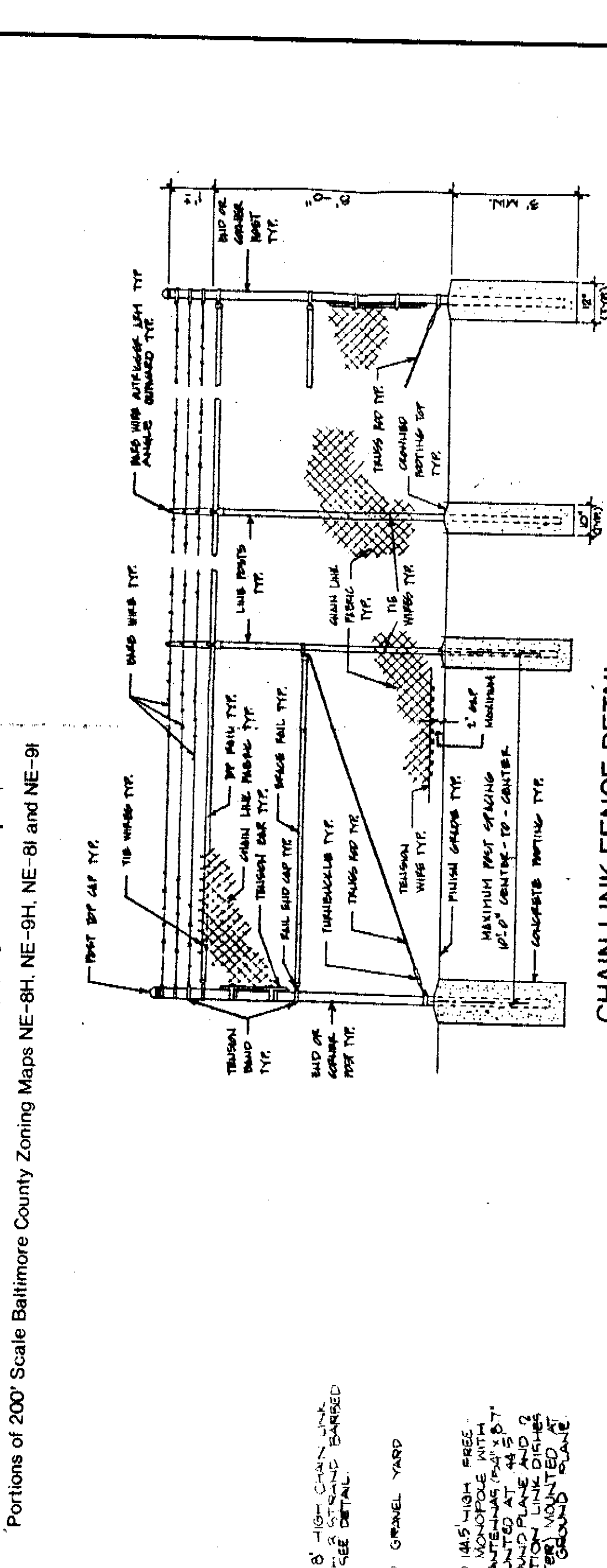
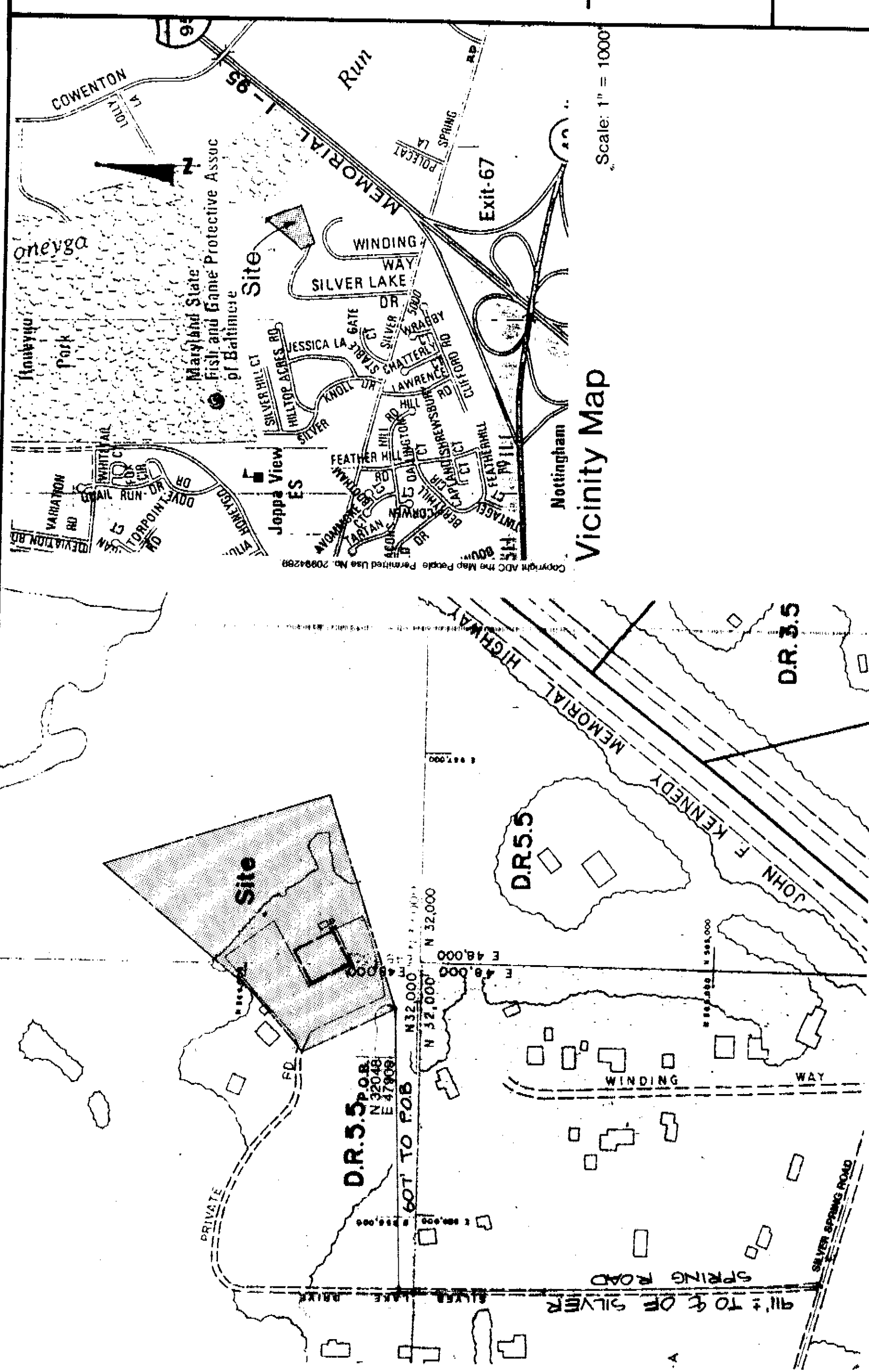
TABLE OF CONTENTS

- I. Lease Agreement with Essex Community College
- II. Photograph of the Science and Allied Health Building
- III. Pictures of Antennas
- IV. Specification Sheets for Antennas
- V. Picture of Equipment Cabinets
- VI. FCC License
- VII. FCC Adopts ANSI EMF Regulations
- VIII. Radio Frequency Statement - Jules Cohen
- IX. FCC Statement on PCS - Creating Significant Benefits for Consumers and Business
- X. FCC's Chairman, Reed Hundt, Speech Excerpts

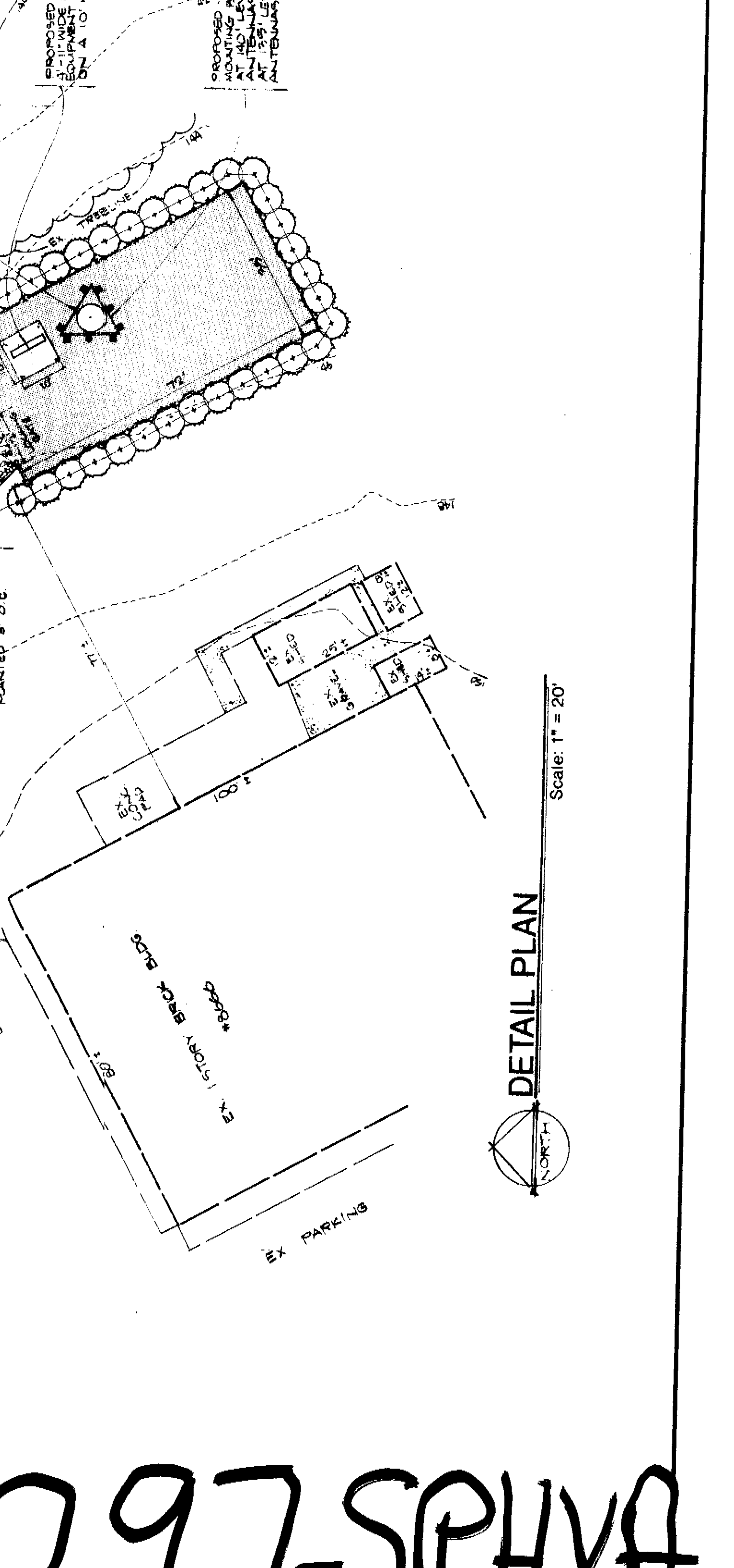
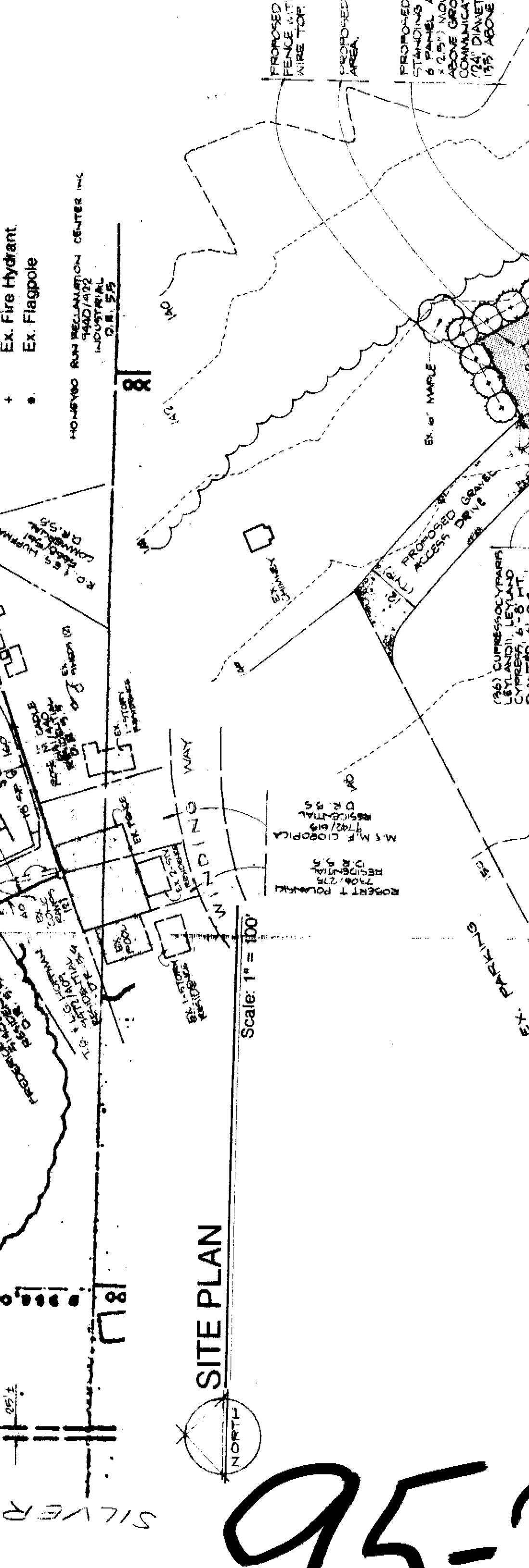
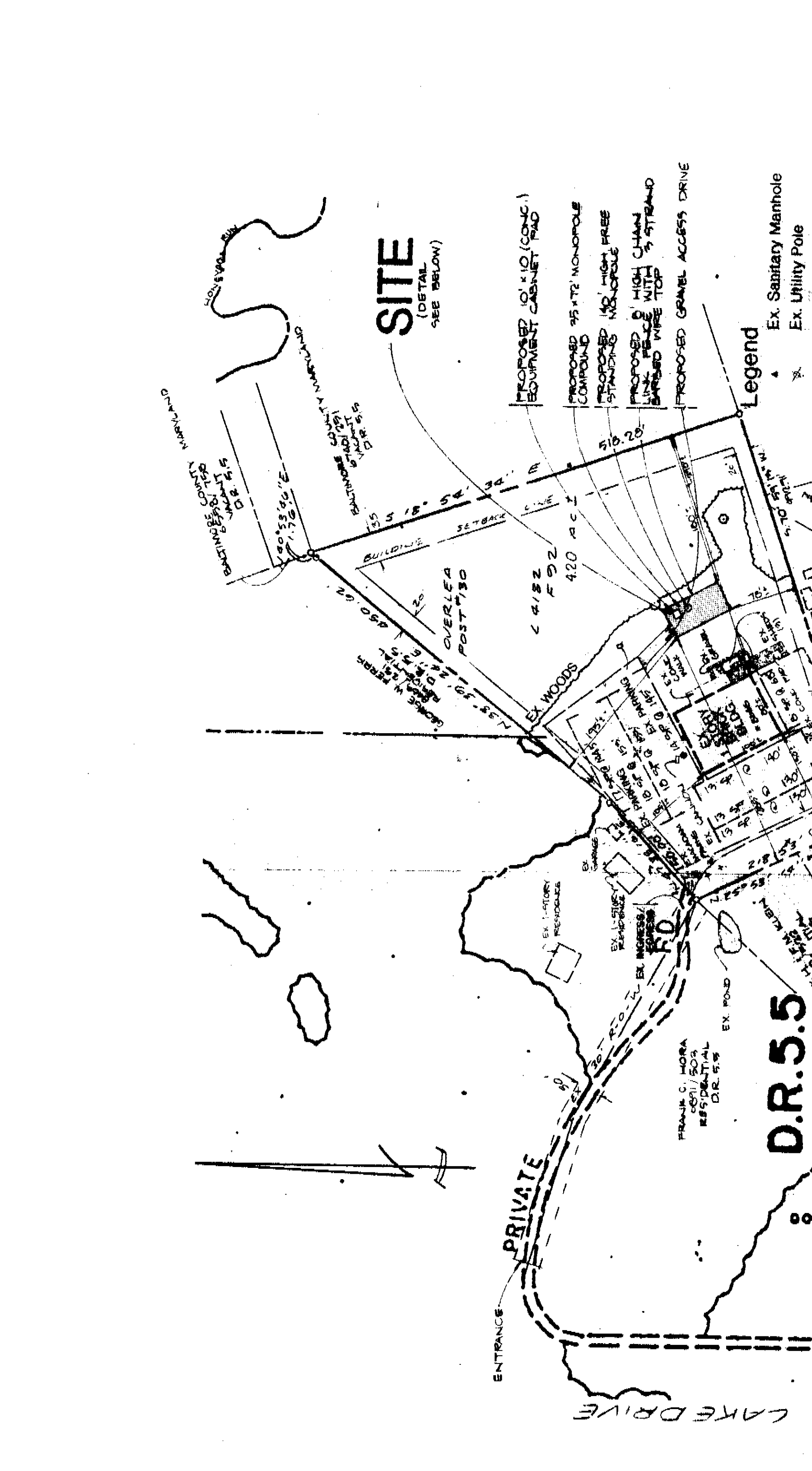
PETITIONER'S
EXHIBIT *No 2*

MICROFILMED

| REVISIONS | |
|-----------|-------------|
| No. | Description |
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| 3 | As Shown |
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| 21 | As Shown |
| 22 | As Shown |



| NOTES | |
|-------|---|
| 1. | Consult owner and engineering firm for details of proposed structure. |
| 2. | Consult owner and engineering firm for details of proposed structure. |
| 3. | Consult owner and engineering firm for details of proposed structure. |
| 4. | Consult owner and engineering firm for details of proposed structure. |
| 5. | Consult owner and engineering firm for details of proposed structure. |
| 6. | Consult owner and engineering firm for details of proposed structure. |
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| 20. | Consult owner and engineering firm for details of proposed structure. |
| 21. | Consult owner and engineering firm for details of proposed structure. |
| 22. | Consult owner and engineering firm for details of proposed structure. |



95-297-SPHXA



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

February 3, 2000

Column Financial, Inc., its successors and/or assigns
c/o Donaldson, Lufkin & Jenerette
277 Park Avenue, 10th Floor
New York, NY 10172
Attn: Susana Iannicelli

Dear Ms. Iannicelli:

RE: Pikesville Plaza Building Co., Norwest Corner Reisterstown Rd. and Slade Ave.,
600 Reisterstown Rd., 3rd Election District

Your letter to Arnold Jablon, Director of Permits and Development Management has been referred to me for reply. The zoning of this site per the 1"=200' scale zoning map #NW, 7-E (high-lighted copy enclosed) is Business Local-Automotive Service (BL-As) along Reisterstown Road with a depth of approximately 130 feet +/- with the rear portion split Business Local (BL) and Residential Office (RO). The use of this 7 story professional office building is permitted as of right in the business zones.

This site has been the subject of numerous zoning hearings, which are listed as follows:

- #68-50-RXA Special Exception for an automotive service station and a variance from Section 405.2.B, paragraph 5 granted by the Board of Appeals
- #74-113-SPH A Special Hearing to approve a use permit for commercial parking in a residential zone granted by the Zoning Commissioner on December 12, 1973
- #74-232-A A Variance to allow 172 parking spaces in lieu of the required 218 spaces for a professional building granted by the Deputy ZC May 7, 1974.
- #95-296-A A Variance to permit a setback of 95 feet from the RO zone for a roof mounted wireless transmitting and receiving facility in lieu of required 200 feet granted by Zoning Commissioner on March 30, 1995.
- #96-319-SPH A Special Hearing to allow massage services as accessory to an

Ms. Susana Iannicelli
February 3, 2000
Page 2

existing beauty salon granted by the Deputy Zoning Commissioner May 20, 1996

- #96-320-SPH A Special Hearing to approve an amendment to the site plan to allow 161 parking spaces in lieu of the 172 spaces granted in case #74-232-A and to permit 12 of those spaces to be utilized for the storage and parking of ambulances and limousines and a Special Exception to permit a Service Garage use on the subject property granted by the Deputy Zoning Commissioner on April 10, 1996
- #97-59-A A Variance to permit a setback of 71 feet from an RO zone in lieu of the required 200 feet for a roof mounted wireless transmitting and receiving facility and to amend the previously approved site plan in case #95-296-A to reflect this proposed improvements granted by the Deputy Zoning Commissioner on September 17, 1996.

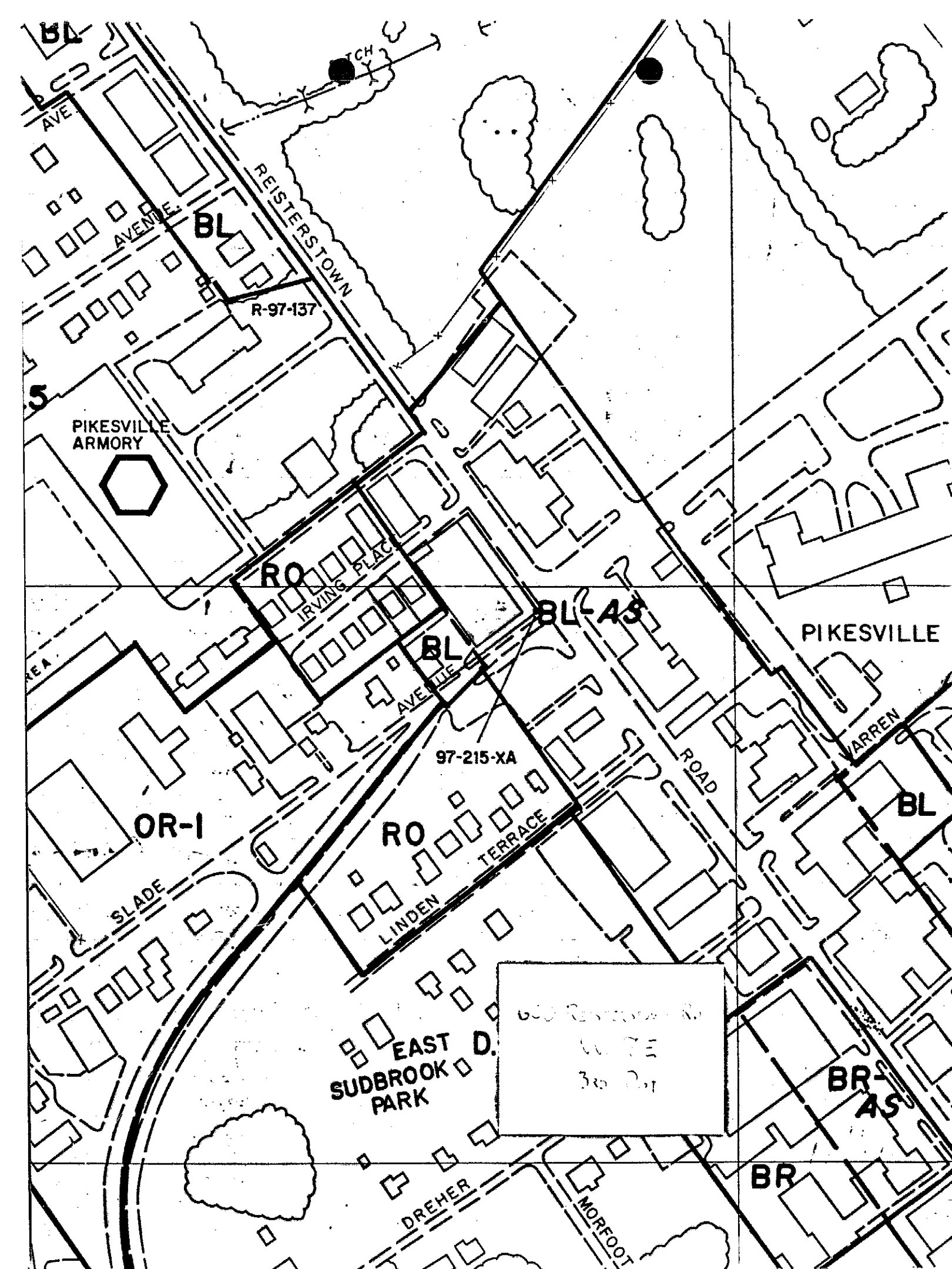
Original occupancy certificates are no longer available. A review of files in the Code Enforcement Office found no current violations.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:kew



IN RE: PETITIONS FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
K/S Silver Lake Dr. 911 ft.
N of c/j Silver Spring Road
8666 Silver Lake Drive
11th Election District
5th Councilmanic District
The American Legion, Overlea
Perry Hall Post #130, Inc.
Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 95-297-SPHXA

ORDER OF DISMISSAL

The Petitioner herein requested a Petition for Special Hearing to amend the previously granted special exception in case No. 72-235-X of the Baltimore County Zoning Regulations (BCZR); a Petition for Special Exception from Section 1B01.1.c.20 of the BCZR to permit a wireless transmitting and receiving facility; and a Petition for Variance from Section 502.7.c.2 of the BCZR to permit a 120 ft. setback for a 144.5' high wireless transmitting and receiving facility, in lieu of the required 289 ft. setback, and a variance from Section 502.7.c.3 to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot; and,

WHEREAS, attorney Christine K. McSherry of Whiteford, Taylor and Preston, who represents the Petitioner, requested a withdrawal of the Petitions for Special Hearing, Special Exception and Variance on behalf of her client by letter dated March 23, 1995.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County this 27th day of March, 1995 that the Petition for Special Hearing to amend the previously granted special exception in case No. 72-235-X of the Baltimore County Zoning Regulations (BCZR), be and is hereby DISMISSED; and,

IT IS FURTHER ORDERED that a Petition for Special Exception from Section 1B01.1.c.20 of the BCZR to permit a wireless transmitting and receiving facility, be and is hereby DISMISSED; and,

IT IS FURTHER ORDERED that a Petition for Variance from Section 502.7.c.2 of the BCZR to permit a 120 ft. setback for a 144.5' high wireless transmitting and receiving facility, in lieu of the required 289 ft. setback, and a variance from Section 502.7.c.3 to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot, be and is hereby DISMISSED without prejudice, upon payment of open costs by the Petitioner.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER FOR FILING
FILED
BY: [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 27, 1995

Christine K. McSherry, Esquire
Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

RE: Case No. 95-297-SPHXA
Petitions for Special Hearing, Special Exception & Variance
The American Legion, Overlea-Perry Hall Post No. 130, Inc.,
Petitioner

Dear Ms. McSherry:

Attached hereto please find an Order of Dismissal regarding the above captioned matter.

Very truly yours,

[Signature]
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 8666 Silver Lake Drive
Perry Hall, MD 21128
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, granted in Case No. 72-235X.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

CONTRACTOR/OWNER
Margaret C. Ruggieri, Esq. for
Type or Print Name: American PCS, Inc.
Signature: [Signature]
One Democracy Center
6901 Rockledge Dr.
Bethesda MD 20817
City State Zipcode

BY: [Signature]
The American Legion, Dept. of Maryland,
Overlea-Perry Hall Post No. 130, Inc.
Signature: [Signature]
David A. Schaaf
Type or Print Name:

Attorney for Petitioner:
G. Scott Barhight, Esq.
Type or Print Name: [Signature]
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave.
Towson, MD 21204
City State Zipcode

8666 Silver Lake Drive 931-9000
Perry Hall, MD 21128
City State Zipcode
Name: G. Scott Barhight, Esq.
210 W. Pennsylvania Ave.
Towson, MD 21204
City State Zipcode

ESTIMATED LENGTH OF HEARING: 1 hr.
the following date: [Date]
REVIEWED BY: [Signature] DATE: 2/12/95



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 8666 Silver Lake Drive
Perry Hall, MD 21128
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:
A wireless transmitting and receiving facility pursuant to section 1 B 01.C. 20.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

CONTRACTOR/OWNER
Margaret C. Ruggieri, Esq. for
Type or Print Name: American PCS, Inc.
Signature: [Signature]
One Democracy Center
6901 Rockledge Dr.
Bethesda MD 20817
City State Zipcode

Legal Owner: The American Legion, Dept. of Maryland,
Overlea-Perry Hall Post No. 130, Inc.
Type or Print Name: [Signature]
Signature: [Signature]
David A. Schaaf
Type or Print Name:

Attorney for Petitioner:
G. Scott Barhight, Esq.
Type or Print Name: [Signature]
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave.
Towson, MD 21204
City State Zipcode

8666 Silver Lake Dr. 931-9000
Baltimore, MD 21128
City State Zipcode
Name: G. Scott Barhight, Esq.
210 W. Pennsylvania Ave.
Towson, MD 21204
City State Zipcode

ESTIMATED LENGTH OF HEARING: 1 hr.
the following date: [Date]
REVIEWED BY: [Signature] DATE: 2/12/95



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 8666 Silver Lake Drive
Perry Hall, MD 21128
which is presently zoned D.R. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attachment

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

CONTRACTOR/OWNER
Margaret C. Ruggieri, Esq. for
Type or Print Name: American PCS, Inc.
Signature: [Signature]
One Democracy Center
6901 Rockledge Dr.
Bethesda MD 20817
City State Zipcode

Legal Owner: The American Legion, Dept. of Maryland,
Overlea-Perry Hall Post No. 130, Inc.
Type or Print Name: [Signature]
Signature: [Signature]
David A. Schaaf
Type or Print Name:

Attorney for Petitioner:
G. Scott Barhight, Esq.
Type or Print Name: [Signature]
Whiteford, Taylor & Preston
210 W. Pennsylvania Ave.
Towson, MD 21204
City State Zipcode

8666 Silver Lake Drive 931-9000
Baltimore, MD 21128
City State Zipcode
Name: G. Scott Barhight, Esq.
210 W. Pennsylvania Ave.
Towson, MD 21204
City State Zipcode

ESTIMATED LENGTH OF HEARING: 1 hr.
the following date: [Date]
REVIEWED BY: [Signature] DATE: 2/12/95

Zoning Requests

Project No. 94161.A

REQUESTED ZONING ACTIONS:

1. Special Hearing to amend previously granted special exception in Case No. 72-235-X.
2. Special Exception pursuant to BCZR Section 1B01.1.c.20 to permit a wireless transmitting and receiving facility.
3. Variance from BCZR Section 502.7.c.2 to permit a 120' setback for a 144.5 high wireless transmitting and receiving facility in lieu of the required 289' setback.
4. Variance from BCZR Section 502.7.c.3. to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot.



DMW

DMW
150 East Pennsylvania Avenue
Towson, Maryland 21206
410 296 3333
Fax 296 4799

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Description 95-297-SPHXA
To Accompany Petition for
Special Exception, Variance,
and Special Hearing
4.2 Acre Parcel
Overlea Post, American Legion, Inc. Property
at the end of Silver Lake Drive
Eleventh Election District, Baltimore County, Maryland

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Silver Spring Road with the centerline of Silver Lake Drive (1) Northwestly along the centerline of Silver Lake Drive 911 feet, more or less, and thence at right angle to said drive (2) Northeastly 607 feet, more or less, to the point of beginning, said point of beginning having coordinate values North 32048 feet, more or less, and West 47909 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said beginning point and running the six following courses and distances, viz: (1) North 25 degrees 53 minutes 14 seconds West 218.53 feet, thence (2) North 47 degrees 38 minutes 16 seconds East 150.00 feet, thence (3) North 38 degrees 39 minutes 24 seconds East 450.62 feet, thence (4) North 40 degrees 53 minutes 46 seconds East 1.76 feet, thence (5) South 18 degrees 54 minutes 34 seconds East 518.28 feet, and thence (6) South 70 degrees 59 minutes 13 seconds

293

95-297-SPHX A
West 492.91 feet to the point of beginning: containing 4.2 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 14, 1995

Project No. 94161.A (L94161A)



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 118 Date of Posting: 3/4/95
Posted for: Special Hearing, Special Exception & Variance
Petitioner: American PCS, L.P.
Location of property: 8666 Silver Lake Drive, Bldg. 118
Location of Sign: Along the way as property being posted
Remarks: _____
Posted by: [Signature] Date of return: 3/10/95
Number of Signs: 1

NOTICE OF HEARING

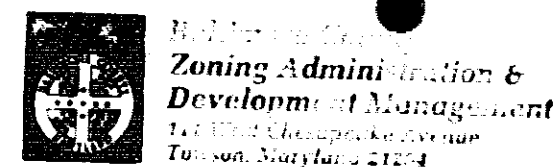
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 95-297-SPHX (Item 293)
8666 Silver Lake Drive
Bldg 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204
11th Election District - 5th Councilmanic
Legal Owner(s): The American Legion, Department of Maryland, Overlee-Perry Hall Post No. 130, Inc.
Lessee: American PCS, L.P.
Special Hearing: to approve an amendment to the special exception granted in case #72-235-1. Special Exception for a wireless transmitting and receiving facility in lieu of the required 289-foot setback; and to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 3/9 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/9 1995

THE JEFFERSONIAN,
LEGAL AD. - TOWSON
[Signature]



Date: 3/22/95

Amount: PCS - 8666 Silver Lake Drive
070-00000 (100,000) - \$ 650.00
030-00000 (100,000) - \$ 105.00
Total - \$ 755.00

receipt
95-297-SPHX A
Account: ROY:6150

Number: 1000000000
Date: 3/22/95
Initial: 3/23

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PUBLIX PUBLISHING COMPANY
March 9, 1995 Issue - Jeffersonian

Please forward billing to:

Draft McKee Walker, Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21206

ATTN: BRENDA PRICE
410-296-3333

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 95-297-SPHX (Item 293)
8666 Silver Lake Drive
Bldg 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204
11th Election District - 5th Councilmanic
Legal Owner(s): The American Legion, Department of Maryland, Overlee-Perry Hall Post No. 130, Inc.
Lessee: American PCS, L.P.
Hearing: MARCH 27, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the special exception granted in case #72-235-1. Special Exception for a wireless transmitting and receiving facility. Variance to permit a 120-foot setback for a 144.5 high wireless transmitting and receiving facility in lieu of the required 289-foot setback; and to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3333.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3331.

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 2, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 95-297-SPHX (Item 293)
8666 Silver Lake Drive
Bldg 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204
11th Election District - 5th Councilmanic
Legal Owner(s): The American Legion, Department of Maryland, Overlee-Perry Hall Post No. 130, Inc.
Lessee: American PCS, L.P.
Hearing: MARCH 27, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to the special exception granted in case #72-235-1. Special Exception for a wireless transmitting and receiving facility. Variance to permit a 120-foot setback for a 144.5 high wireless transmitting and receiving facility in lieu of the required 289-foot setback; and to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot.

Arnold Jablon
Director

cc: The American Legion
American PCS, L.P., c/o Margaret C. Ruggieri, Esq.
G. Scott Barhight, Esq.
Draft McKee Walker, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3333.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3331.

Printed with Recycled Ink
on Recycled Paper

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 20, 1995

G. Scott Barhight, Esquire
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 293
Case No.: 95-297-SPHX
Petitioner: American Legion, Post

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on February 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

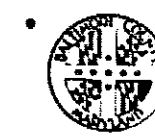
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Recycled Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 293

Petitioner: American PCS, L.P.

Location: 8666 Silver Lake Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Dina

ADDRESS: 210 East Pennsylvania Avenue

Towson, MD 21206

PHONE NUMBER: (410) 296-3333

AJ:ggs

(Revised 04/09/93)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: March 7, 1995

SUBJECT: 8666 Silver Lake Dr.

INFORMATION:

Item Number: 293

Petitioner: The American Legion

Property Size: 4.20 acres

Zoning: DR-5.5

Requested Action: Special Hearing, Special Exception and Variance

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

The applicant requests a Special Hearing To approve an amendment to the Special Exception granted in Case No. 72-235-1. Special Exception for a wireless transmitting and receiving facility. Variance to permit a 120' setback for a 144.5' high wireless transmitting and receiving facility in lieu of the required 289' setback; and to permit a 4.2 acre lot, more or less, in lieu of the required 5 acre lot.

Based upon a review of the information provided, the staff offers the following comment:

While no justification of hardship or practical difficulty is offered on the applicant's Petition, it appears to staff that the need for a Variance is self created. Therefore, the Petitioner will have to prove that there is, in fact, a hardship or practical difficulty. The staff offers no other comments regarding the Special Hearing or Special Exception.

Prepared by: Jeffrey M. Long

Division Chief: Pat Keller

PK/JL

ITEM293/PZONE/EXTJNL

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 10, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 10, 1995
Item No. 293

The Developers Engineering Section has reviewed
the subject zoning item. A landscape plan must be approved
prior to the release of permits.

RWB:SW



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hai Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 293 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to
approval as it does not access a State roadway and is not effected by any State Highway
Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 3/9/95
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 3/9/95

The Department of Environmental Protection & Resource Management has no
comments for the following Zoning Advisory Committee items:

Item #'s: 291
293 ✓
295

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 03/09/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
PHIL STOPP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Comments:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

D. The Fire Marshal's Office has no comments at this time.
(IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 291, 292, 293 AND 294.)

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
8666 Silver Lake Drive, E/S Silver Lake
Drive, 911' N of c/l Silver Spring Road
11th Election Dist., 5th Councilmanic
The American Legion, Department of Md.,
Overlea-Perry Hall Post No. 130, Inc.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-297-SPHXA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-
captioned matter. Notice should be sent of any hearing dates or other
proceedings in this matter and of the passage of any preliminary or
final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO

Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March, 1995, a copy of
the foregoing Entry of Appearance was mailed to G. Scott Barhight,
Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204,
attorney for Petitioners.

RECEIVED
MAR 16 1995
ZADM

Peter Max Zimmerman
PETER MAX ZIMMERMAN

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 852-2000
FAX 410 852-2015

200 W. PENNSYLVANIA STREET
TOWSON, MARYLAND 21204-4515
TELEPHONE 410 852-2000
FAX 410 852-2015
CHRISTINE K. MCSHERRY
410 852-2017

200 W. PENNSYLVANIA STREET
TOWSON, MARYLAND 21204-4515
TELEPHONE 410 852-2000
FAX 410 852-2015

March 23, 1995

Via Hand Delivery

Arnold Jablon, Director
Department of Zoning Administration
and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 95-297-SPHXA (Item 293)
8666 Silverlake Drive,
11th Election District - 5th Councilmanic
Legal Owners: The American Legion, Dept. of Maryland,
Overlea-Perry Hall Post No. 130, Inc.

Dear Mr. Jablon:

I am writing to request that the Petition for Special Exception, Special Hearing
and Variance submitted on the above-referenced site be withdrawn. The Petitioners,
the American Legion and American PCS, L.P., do not wish to pursue these zoning
approvals for the above-referenced site. The site is currently scheduled for public
hearing on Monday, March 27, 1995 at 9:00 a.m. We will be happy to restate our
request to withdraw this Petition on the record at that time.

Thank you for your attention to this matter.

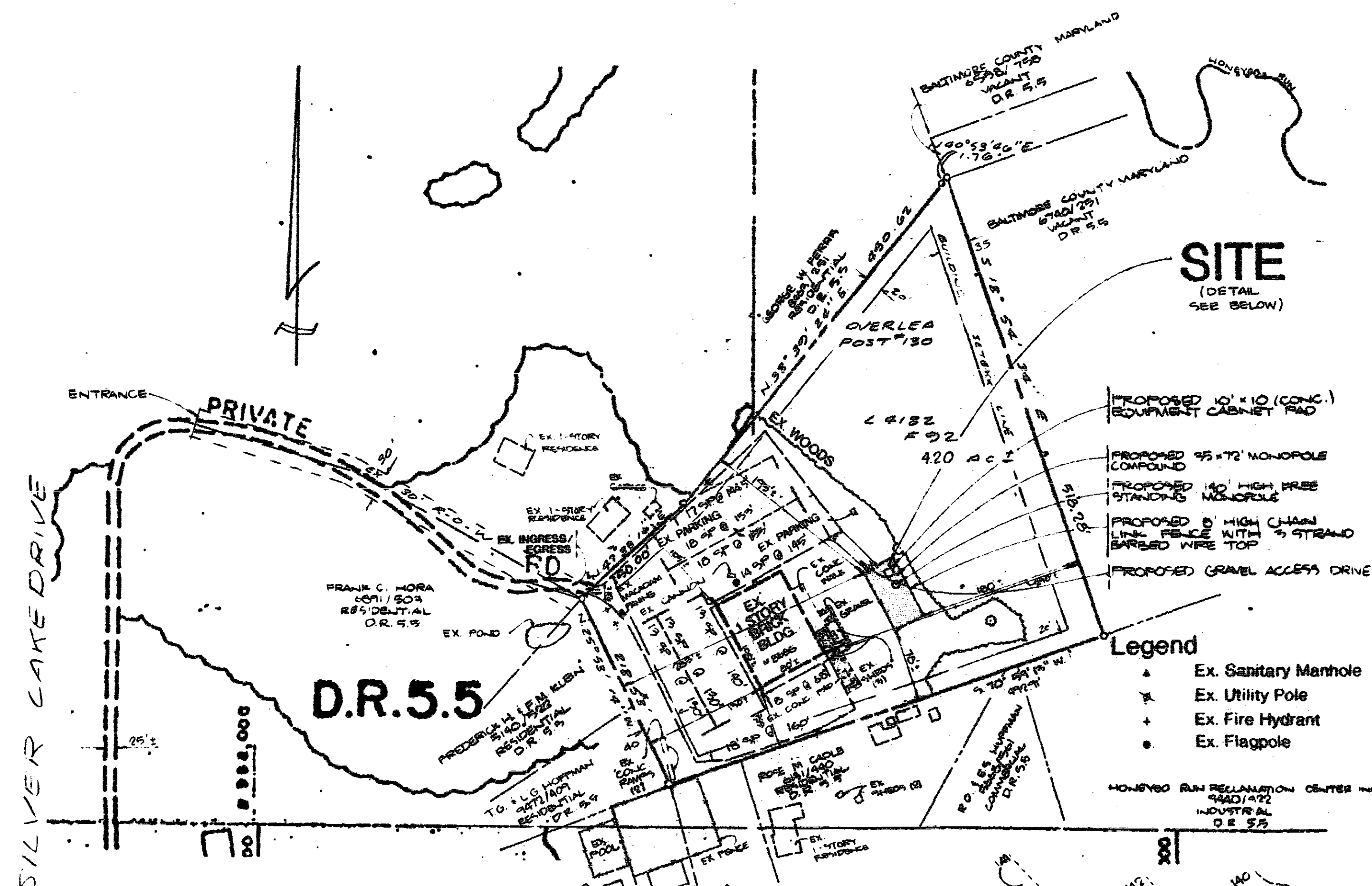
Sincerely,

Christine K. McSherry
Christine K. McSherry

CKM:slr
cc: W. Carl Richards, Jr., Zoning Supervisor
Peter M. Zimmerman, People's Counsel
Margaret C. Ruggieri, Esquire

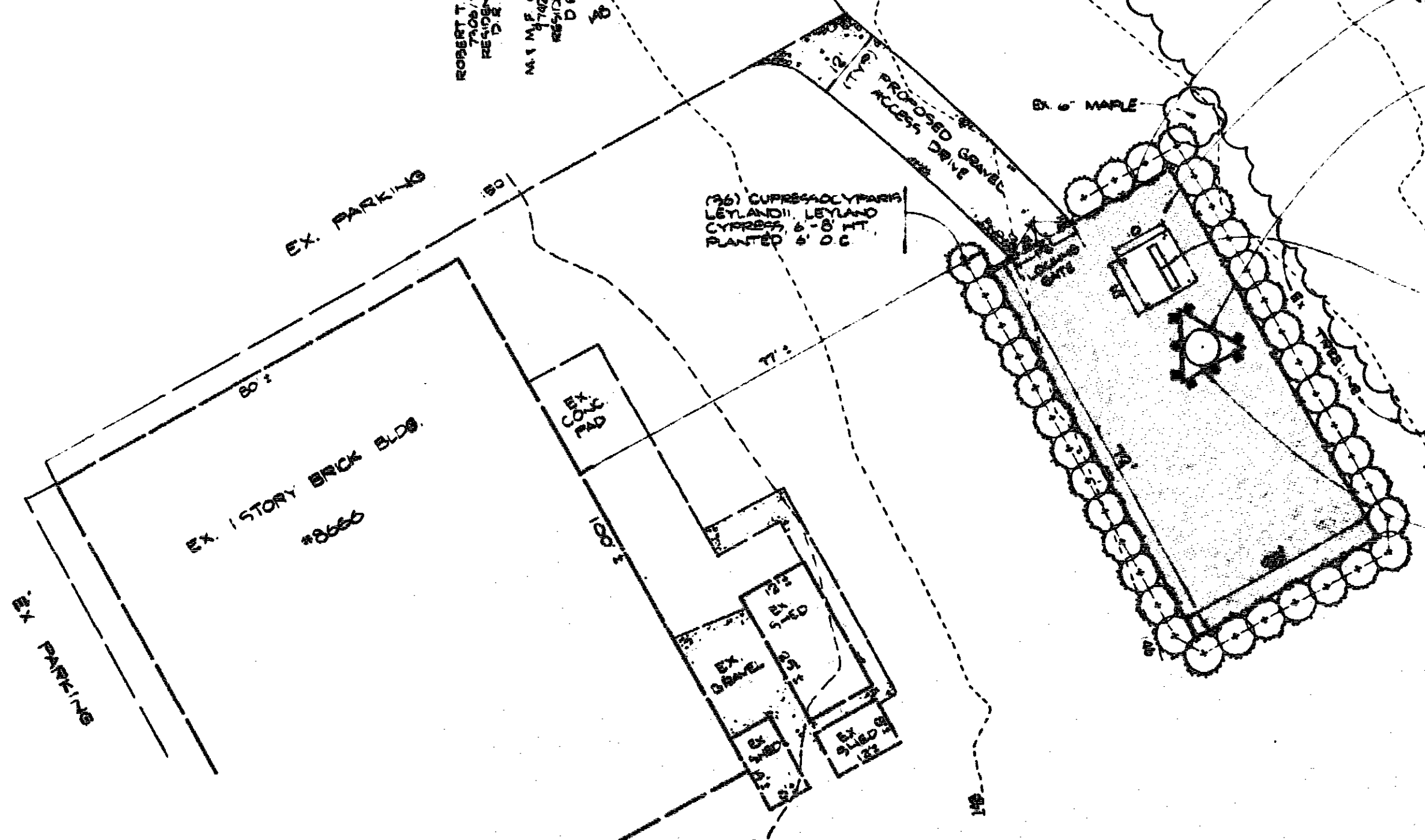
41807

95-297-SFH-X



SITE PLAN

Scale: 1" = 100'



DETAIL PLAN

Scale: 1" = 20'

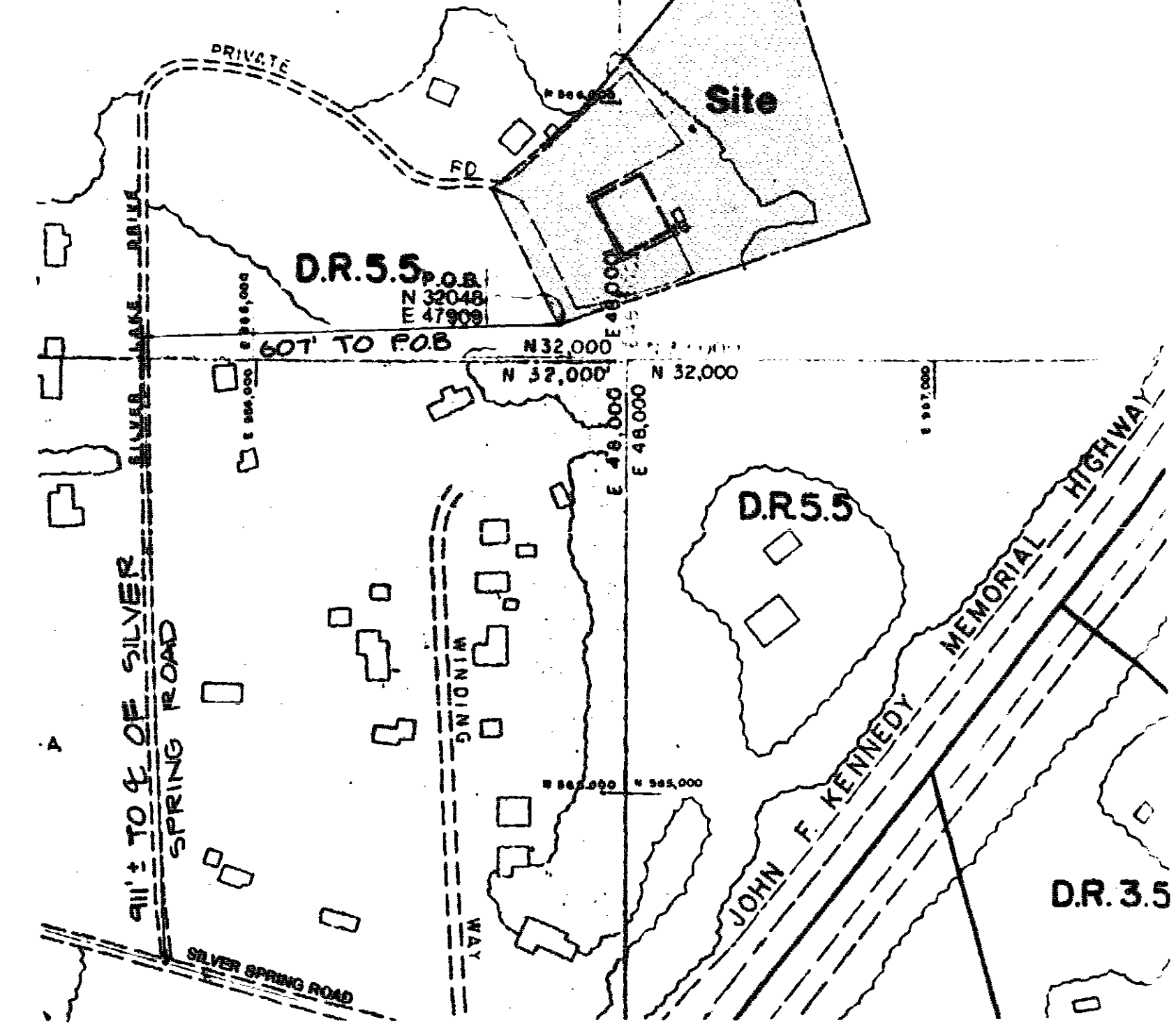
SITE
(DETAIL
SEE BELOW)

- PROPOSED 10' x 10' (CONC.) EQUIPMENT CABINET PAD
- PROPOSED 95' x 72' MONOPOLE COMPOUND
- PROPOSED 140' HIGH FREE STANDING MONOPOLE
- PROPOSED 8' HIGH CHAIN LINK FENCE WITH 5 STRAND BARBED WIRE TOP
- PROPOSED GRAVEL ACCESS DRIVE

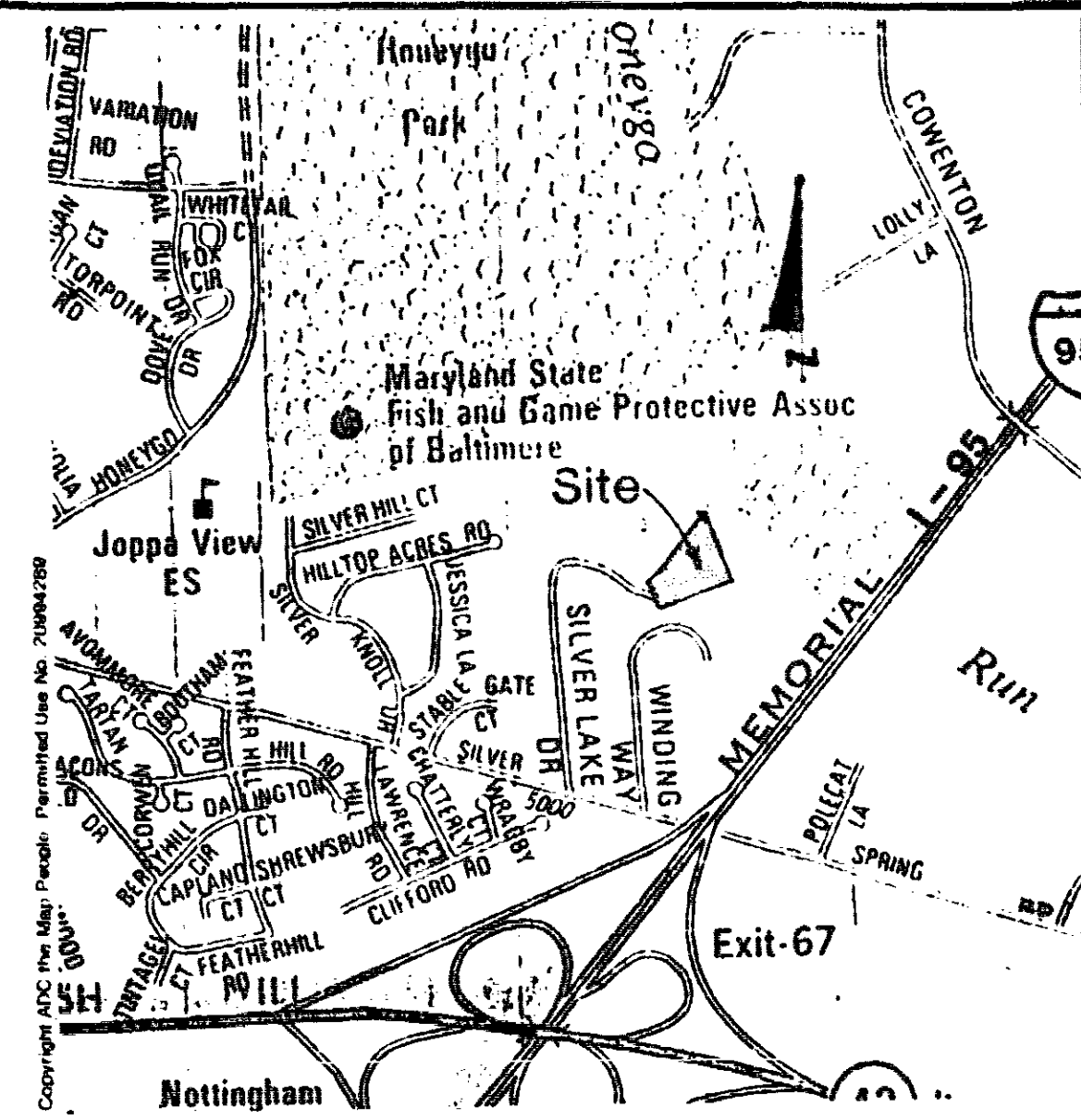
Legend

- Ex. Sanitary Manhole
- Ex. Utility Pole
- Ex. Fire Hydrant
- Ex. Flagpole

MONROVIA RUN RECREATION CENTER INC. INDUSTRIAL D.R. 5.5

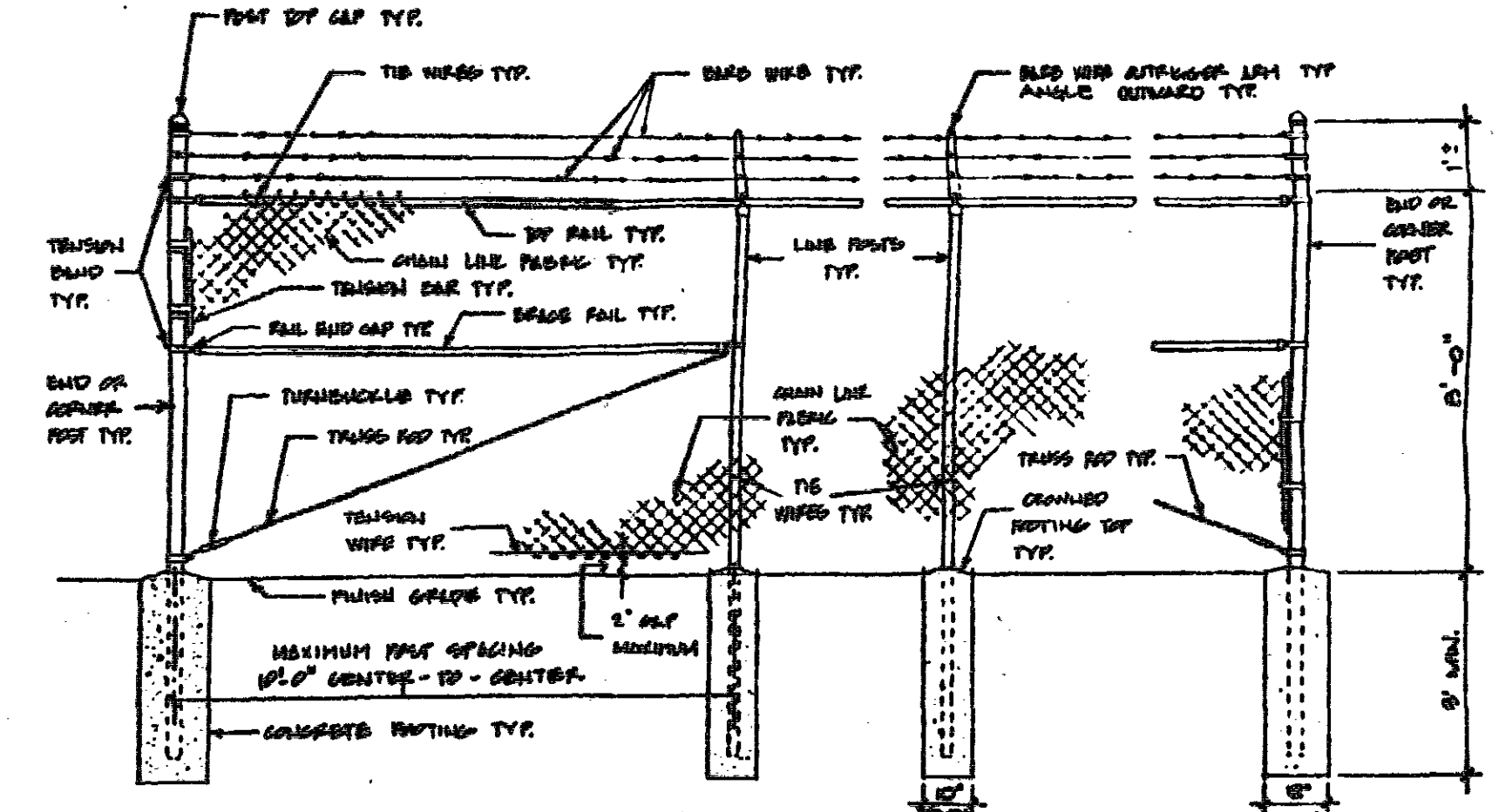


Portions of 200' Scale Baltimore County Zoning Maps NE-8H, NE-9H, NE-8I and NE-9I



Vicinity Map

Scale: 1" = 1000'



CHAIN LINK FENCE DETAIL

Not To Scale

Notes

- Current owner and street address: The American Legion, Dist. of MD, 6000 Silver Line Drive, Pary Hall, MD 21158
- Current owner: American Legion, L.P., One Democracy Center, 9501 Rockledge Drive, Suite 800, Bethesda, MD 20817
- Site map: 4.20 AC ±
- Building use: Community Hall
- Street Address: 6000 Silver Line Drive, Pary Hall, MD 21158
- Site data: Tax map 72, Block 23, Parcel 679, David Reference No. 712292, Tax Account No. 1115079130, Zoning: D.R. 5.5, Section District: 11, Council District: 5
- Required Setbacks: Pursuant to § 202.7 C (2), Proposed to be: 10' Front, 10' Side, 10' Rear
- The proposed wireless transmitting and receiving facility will consist of a 140' high free-standing monopole with (8) panel antennas, 6' high x 6' wide x 2' deep, mounted 140' above the ground plane and (2) communication link dishes, 36" in diameter, mounted at 135' above the ground plane and (2) 4' high x 4' wide x 1' deep equipment cabinets mounted on a 10' x 10' concrete pad.
- This structure shall be contained within a fenced chain-link fence, 6' high, with double barbed wire top.
- No water or sanitary utilities are required for the facility.
- The information and boundary location shown herein is the result of an aerial photo survey; however, this plan has been prepared for zoning purposes, and is subject to revision.
- Zoning History: On April 15, 1993, the Planning Commission of Baltimore County recommended that a Special Use Permit, Case No. 72-04-04 (Form No. 110), be granted to permit a Community Building.
- Previous Conditional Permits: 2102-02-01 Addition, 2102-71-01 Addition
- There are no signs proposed for this facility.
- Floor Area: Total Gross Floor Area = Total Gross Site Area = 6000 S.F. ± = 130,000 S.F. ± = 0.40 Acres
- Amenity open space: N/A
- Parking: Existing Spaces: 132, Proposed Spaces: 0. The proposed wireless transmitting and receiving facility does not block or affect any existing parking spaces.
- Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times. In addition, the facility will comply with ANSI Standard C93.1-1982.
- When the use is terminated, the structure shall be removed.
- Every five years, or sooner in the event of substantial damage, a certification by a professional engineer registered in Maryland shall be filed with the Department of Permits and Licenses indicating that the structure meets all safety requirements. Any upgrading or maintenance required to comply with any changes in safety requirements, or to maintain the safety of the facility, shall be performed prior to the filing of such certification.
- No white strobe lights are permitted or proposed.
- An environmental impact statement, as defined in Section 101 of the Baltimore County Zoning Ordinance shall be submitted to the Zoning Commission.

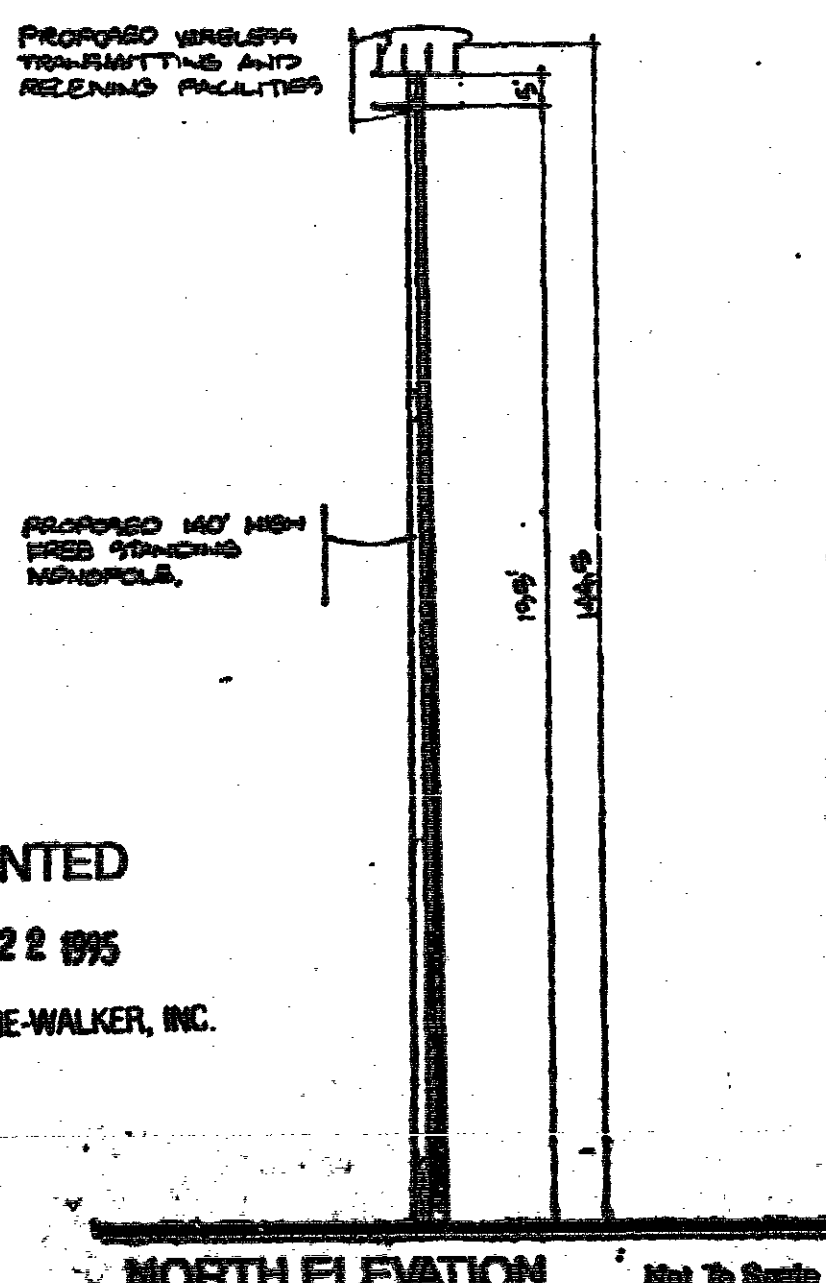
Requested Zoning Actions

- Special Permit to amend previously granted special exception in case 2102-02-01
- Special Exception: pursuant to DCZF § 109.1.2.20 to permit a wireless transmitting and receiving facility
- Variances from DCZF § 202.7 a.2. to permit a 140' high free-standing monopole with (8) panel antennas, 6' high x 6' wide x 2' deep, mounted 140' above the ground plane and (2) 4' high x 4' wide x 1' deep equipment cabinets mounted on a 10' x 10' concrete pad.
- Variances from DCZF § 202.7 a.2. to permit a 4.2-acre lot, more or less, in lieu of the required 1-acre lot.

PRINTED

FEB 22 1995

DAFT-McCUNE-WALKER, INC.



NORTH ELEVATION

Not To Scale

DMW
DAFT-McCUNE-WALKER, INC.
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals
200 E. Pennsylvania Avenue
Towson, Maryland 21206
(410) 296-3333
Fax: 296-4105

American Personal Communications
Site Plan to Accompany Petition for Special Exception, Variance, and Special Hearing
Overlea American Legion Site BAN 31B
11th Election District
Baltimore County, Maryland

REVISIONS

| No. | Description | Date |
|-----------|-------------|------|
| Proj. No. | 94161.A | |
| Date | 2/22/95 | |
| Scale | As Shown | |
| Last Rev. | | |



Sheet

#293